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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,682

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Michael Scott Burnett

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EXAMINER

HUNTER, ALVIN A

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,682	Applicant(s) BURNETT ET AL.	
	Examiner Alvin A. Hunter	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-61, 63-67 and 85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-61, 63-67 and 85 is/are rejected.
- 7) ☒ Claim(s) 58, 61 and 85 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 58, 60, and 85 are objected to because of the following informalities:

With respect to claim 58, the word "ration" should read --ratio--;

With respect to claim 60, the word "croqn" should read --crown--; and

With respect to claim 85, the word "ration" should read --ratio--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 58 and 85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites a trademarked name within the claim. This renders the claim indefinite being that the maker of the trademark is capable of changing the characteristics of that product ^{while} ~~will~~ keeping it under the same name.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 57, 58, 61, 63-67, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (USPN 6623378) in view of Galloway et al. (USPN 6575845) and Masahiko et al. (JP 2002-000772) further in view of Molitor et al. (USPN 4762322).

Regarding claim 57, Beach et al. discloses a golf club head comprising a first body portion 34 composed of a first material having a density and forming at least a front face portion having a geometric center and a sole section, a second body portion 20 composed of a second material having a density that is less than the density of the first material and forming a crown section and a substantial portion of a skirt attached to the first portion (See Entire Document). Beach et al. does not disclose modifying the center of gravity or having a front face of which gradually decreases in thickness from the sole to the crown. Galloway et al. discloses a club head having a first and second portion wherein weights are incorporated into the club head to move the center of gravity of the club head to that desired by the artisan (See Column 8, lines 30 through 48). One having ordinary skill in the art would have found it obvious to incorporate weights into the club head of Beach et al. in order to influence the center of gravity and moment of inertia. It should be noted the Galloway et al. is geared to increasing the moment of inertia. Masahiko discloses a club head having a thickness which gradually decreases from the sole to the crown. Not only does Masahiko discloses the face profile for increasing the moment of inertia, but teaches that the profile can allow the user to control the spin quantity (See Entire Document). One having ordinary skill in the art would have found it obvious to incorporate a face of such profile into Beach et al., as

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taught by Masahiko, in order to increase the moment of inertia of the club head.

Galloway et al. does not teach the location of the center of gravity of the club head.

Molitor et al. discloses a club head having a center of gravity at least 5mm lower than the geometric face center (See Abstract and the summary of the invention). One having ordinary skill in the art would have found it obvious to incorporate the location of the center of gravity into Galloway et al., moreso incorporate the center of gravity teaching of Molitor et al. and Galloway et al. into Beach et al. in order to improve the playability characteristics of the club head. One skilled in the art knows that it is common within the art to have the point where the maximum amount of energy to be transferred to the ball to be close to the center of the club face. Galloway et al. is proof of such. It is submitted that the above combination would naturally have a point of maximum COR near the geometric center of the club face being that it is common within the art to have it at such a place.

Regarding claim 58, the office does not have the ability to test the prior art. The above combination is silent to the loft angle of the club head, however it is common within the art to have the loft angle of a driver to be at about 12° based on industry standards. One having ordinary skill in the art would have found it obvious to have the club head of the above combination to be 12° due to the fact that it is industry standard.

Regarding claim 61, Regarding claim 61, Applicant does not note the different characteristics that arise from having a magnesium second body vs. a composite second body. The applicant also notes that composites may substituted for magnesium. Being that the different in characteristics are not shown by the applicant, one having

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ordinary skill in the art would have found it obvious to use any type of material for the second body so long as it is lightweight and it contributes to lowering the center of gravity of the club head.

Regarding claim 63, Beach et al. does not disclose the first material being stainless steel. Galloway et al. discloses a club head comprising the same materials as that of Beach et al., but Galloway et al. Also recognizes the used of stainless steel to be used as a material for the first body (See Column 6, lines 18 through 30). One having ordinary skill in the art would have found it obvious to substitute stainless steel in place of titanium, as taught by Galloway et al. so long as the moment of inertia desired by the artisan is attained. Beach et al. disclose the second body made of a composite material.

Regarding claim 64, Beach et al. discloses the second body being molded (See Columns 6 and 7).

Regarding claim 65, Beach et al. discloses the first body being forged (See Paragraph bridging columns 3 and 4).

Regarding claim 66, Beach et al. discloses the first body being casted (See Paragraph bridging columns 3 and 4).

Regarding claim 67, Beach et al. Galloway et a, and Masahiko all disclose the face portion of the club head being made of titanium or stainless steel; therefore, based on the material selection in combination with the structuring, the maximum COR is naturally meet by the combination above.

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Regarding claim 85, see the above regarding claim 57. Also with respect to the test conditions, the office does not have the ability to test the prior art. The above combination is silent to the loft angle of the club head, however it is common within the art to have the loft angle of a driver to be at about 12° based on industry standards. One having ordinary skill in the art would have found it obvious to have the club head of the above combination to be 12° due to the fact that it is industry standard.

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 57 above in view of Kosmatka (USPN 6478692).

Regarding claim 59, the prior art as applied above discloses the club head having a first material being titanium alloy, the second material being a pre-preg material (composite), but does not disclose the second material being a graphite composite. Kosmatka discloses a club head wherein the club head has a body made of either graphite composite or carbon composite. When using the two fibers the club head tends to have a larger volume, in particular, the two fibers are used to attain volume of the same range (See Column 12, lines 34 through 54). One having ordinary skill in the art would have found it obvious to use either type of fiber as taught by Kosmatka being that the materials appear to be substitutable equivalents.

Regarding claim 60, the prior art as applied above in view of Kosmatka does not explicitly recited the dimensions being claimed by the applicant; however, the phenomenon disclosed by the applicant would naturally occur within the combination applied above. Masahiko disclose faces in which gradually decrease from the sole to the crown. This would inherent produce a face in which the spring effect is move more

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upward. It is believed that the different in dimensions is based on the size of the club head. Larger sized club heads can be made to have thinner materials incorporated therein versus smaller sized club heads. One having ordinary skill in the art would have found the thickness of the face portion to be an obvious matter of design choice wherein the thickness can be of any value so long as it coincides with the size and goals of the club head.

Response to Arguments

Applicant's arguments with respect to claims 57-61, 63-67, and 85 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jackson (The Modern Guide to Golf Clubmaking) disclose the average loft sizes for club heads.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH

Alvin A. Hunter, Jr.



EUGENE KIM
SUPERVISORY PATENT EXAMINER